

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
PAUL THOMAS CALAMARI,

Plaintiff,

ORDER  
1:23-cv-09788-GRJ

v.

ACTING COMMISSIONER OF SOCIAL  
SECURITY,<sup>1</sup>

Defendant.

-----  
GARY R. JONES, United States Magistrate Judge:

Pending before the Court is the parties' Stipulation for Allowance of Fees under the Equal Access to Justice Act and Costs Under 28 U.S.C. § 1920. (Docket No. 26.) The parties have stipulated that Plaintiff should be awarded four thousand nine hundred forty-four dollars and fifty-four cents (\$4,944.54) in attorney's fees, and costs in the amount of four hundred and two dollars \$402.00.

Upon due consideration, it is **ORDERED**:

\_\_\_\_\_  
<sup>1</sup> Michelle King became the Acting Commissioner of Social Security on January 20, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Michelle King should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1. Plaintiff is awarded attorney's fees in the amount of **\$4,944.54**, under the EAJA. The payment of attorney's fees is subject to any offsetting debt owed by the Plaintiff to the United States. Before the Commissioner shall be obligated to pay the EAJA fees and costs, the Commissioner must determine whether Plaintiff owes a debt to the government. In the event the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the Commissioner must then pay the fees and expenses directly to Plaintiff's counsel.

2. Plaintiff is awarded costs in the sum of \$402.00, which costs shall be payable from the judgment fund administered by the United States Department of Treasury.

3. The Clerk is directed to terminate as pending a motion, Plaintiff's Motion for Attorney's Fees. (Docket No. 23.)

Dated: February 5, 2025

*s/ Gary R. Jones*  
GARY R. JONES  
United States Magistrate Judge